

Sheila J. Porter

05/18/2005

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4                   UNITED STATES DISTRICT COURT  
5                   FOR THE DISTRICT OF MASSACHUSETTS  
6                   NO. 04-11935-DPW

7 - - - - -  
8 Sheila J. Porter,  
9 Plaintiff.

v.  
1 Andrea Cabral, Suffolk County  
2 Sheriff's Department Suffolk County,  
3 and Correctional Medical Services, Inc.,  
4 Defendants.

7 DEPOSITION OF SHEILA J. PORTER  
8  
9 wednesday, May 18, 2005  
10:10 a.m.  
0 ADLER, COHEN, HARVEY, WAKEMAN & GUEKGUEZIAN  
1 230 Congress Street  
2 Boston, Massachusetts 02110  
3  
4 Reporter: Lori-Ann London, RPR

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1                   surprised, and that was okay.

2                   Q     When do you recall actually making  
3                   contact with F.B.I. Agent Robinson?

4                   A     The next day.

5                   Q     And this was sometime in late 1999,  
6                   early 2000?

7                   A     Yes.

8                   Q     Can you be any more specific as to the  
9                   time frame?

10                  A     No.

11                  Q     Okay. What did you discuss when you had  
12                  a conversation with her?

13                  A     I believe the first conversation Maureen  
14                  explained that they were looking for some  
15                  information, and that they understood that I might  
16                  have some information that they needed, and I  
17                  believe my reaction to that was, "In what areas?"

18                  Q     What did she say?

19                  A     She indicated three areas of concern:  
20                  Sexual abuse of the females, physical abuse of  
21                  inmates, and drug use or abuse within the  
22                  facility.

23                  Q     How did Maureen Robinson understand that  
24                  you may have some information that they were

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1                   MR. SAVAGE: Well, again -- or not  
2 again. You're not to answer any question  
3 concerning Agent Robinson that involves you  
4 revealing --

5                   THE STENOGRAFHER: I'm sorry, I  
6 can't hear you.

7                   MR. SAVAGE: You're not to answer  
8 any question concerning your conversations with  
9 Agent Robinson or the F.B.I. that involves you  
10 revealing specific cooperation as to particular  
11 individuals.

12                  MS. CAULO: Why are you instructing  
13 her not to answer? What's the basis for that?

14                  MR. SAVAGE: Privilege under the law  
15 for an informant relating to the privacy and the  
16 safety of both those informed against and those  
17 informing. In addition, I mean, it's not even  
18 potentially likely to lead to any relevant  
19 evidence, but that's the instruction, privilege.

20                  MS. CAULO: We have a protective  
21 order in this case. I suggest that's not an  
22 appropriate instruction to give.

23                  MR. SAVAGE: I hear you.

24                  MS. CAULO: We'll have to suspend

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1 and go seek Judge Woodlock.

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2 MR. SAVAGE: okay, that's fine, or  
3 you could go to another topic, since we're not  
4 going to finish today, and we could do it in an  
5 orderly fashion, whatever you want to do.

6 MS. HARVEY: Just so it's clear, so  
7 that if we have to go to Judge Woodlock, are you  
8 instructing her not to answer as to any specific  
9 case or only those that remain open?

10 MR. SAVAGE: Any specific case of  
11 cooperation on an individual. Obviously it  
12 doesn't change the safety and privacy calculation  
13 if the investigation is over.

14 MS. HARVEY: Well, I think that the  
15 protective orders will cover -- I mean, I think  
16 we've all agreed to adhere to that protective  
17 order. I think -- I think we could proceed and  
18 have Judge Woodlock decide later.

19 MS. CAULO: That's fine.

20 MR. SAVAGE: Whatever way you want  
21 to do it.

22 MS. CAULO: Well, no. We certainly  
23 need to go there. I mean, you have presented your  
24 client in an extensive complaint, and that's part

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1 of the basis in suggesting that we were on notice  
2 of this. So I think it's certainly something that  
3 we're entitled to.

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4 MR. SAVAGE: On notice of what?

5 MS. CAULO: You have suggested in  
6 allegations in your complaint that the Department  
7 and CMS were on notice of her involvement in  
8 providing information to the F.B.I.

9 MR. SAVAGE: Oh, sure. You can ask  
10 about that; go right ahead.

11 MS. CAULO: And we're entitled to  
12 explore that, and in order to explore that --

13 MR. SAVAGE: I think you should.

14 MS. CAULO: -- and in order to  
15 explore that fully, Joe, if I may, it's important  
16 for us to seek from your client the kind of  
17 information that she provided so that we can then  
18 confer with other sources and to see whether or  
19 not she in fact did so.

20 MR. SAVAGE: You can make your  
21 inquiry about the kind of information.

22 MS. CAULO: That's what I'm doing.

23 Q What information -- what did you  
24 discuss; what information did she ask you to

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1 provide -- let me -- in this first meeting in the  
2 parking lot at South Bay, what did she ask you to  
3 provide?

4 A Information concerning specific  
5 allegations of physical abuse that they had.

6 Q And what were those allegations?

7 A They were allegations of physical abuse  
8 at the hands of corrections officers, and I cannot  
9 give you the names.

10 Q Are you not giving me the names per the  
11 instruction of your counsel?

12 A Yes.

13 Q Where were those corrections officers  
14 employed, at what facility?

15 A South Bay.

16 Q House of Correction?

17 A Yes, House of Correction. I'm sorry.

18 Q Did she provide you with the names of  
19 those officers?

20 A No.

21 Q Did she provide you with the names of  
22 inmates who had made allegations concerning these  
23 officers?

24 A Yes.

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1 meeting.

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2 Q What did you do?

3 A I agreed to provide ongoing information.

4 Q Well, how did you communicate with  
5 Miss Robinson?

6 A Either I called her or she called me,  
7 and I can't tell you which it was.

8 Q Okay. Did you meet face-to-face or was  
9 this encounter over the phone?

10 A Yes.

11 MR. SAVAGE: Yes, which?

12 A Yes, it was over the phone; this  
13 conversation was over the phone.

14 Q What did you say and what did she say?

15 A I said I had thought about it and I  
16 agreed to provide information, and she said that  
17 was great. And I couldn't tell you what else -- I  
18 believe she set up another face-to-face at that  
19 time.

20 Q During that conversation in which you  
21 indicated that you were willing to provide  
22 information to the F.B.I. and, specifically,  
23 Maureen Robinson, did you discuss the arrangements  
24 for how that was to be done at that phone call

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1 A Yes.

2 Q Did you do that in a face-to-face  
3 meeting?

4 A Yes.

5 Q what was discussed; what were the  
6 arrangements?7 A That I could contact them anytime by  
8 phone, and I could speak with them by phone or  
9 meet them in person.10 Q You said "them." Who besides Maureen  
11 Robinson were you allowed to contact?12 A At first I believe it was just Maureen,  
13 and then there was a second agent.

14 Q Who was that?

15 A Krista Snyder.

16 Q Let's start with Maureen first. What  
17 contact information did she provide to you; how  
18 were you supposed to get ahold of her?19 A She gave me her business card, and then  
20 also gave me -- the business card had the office  
21 number on it, and she gave me her extension, which  
22 I also wrote on the card.23 Q What specific information did she ask  
24 you to provide?

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1           A     Any information that I had concerning  
2 cases that might come up from time to time,  
3 allegations of abuse, sexual or physical,  
4 allegations of drug selling or drug dealing.

5           Q     Did she give you any instructions as to  
6 how to perform this service for the F.B.I.?

7           A     She read a -- a paper that gave me the  
8 dos and don'ts, but I don't -- I guess it was  
9 instructions. I'm trying to remember what it was  
10 called. Each -- each year I had this piece of  
11 paper read to me.

12          Q     Each year...

13          A     That I continued --

14          Q     To provide --

15          A     -- doing --

16          Q     I'm sorry.

17          A     That I continued providing information.

18          Q     What was this piece of paper?

19          A     It talked about whether or not I was  
20 freely -- that I wasn't being coerced to do this;  
21 that I wasn't being paid to do this; I wasn't -- I  
22 didn't disclose it to anyone; I didn't speak to  
23 the news media and say, By the way...

24          Q     By the way what?

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1 Q And those were...

2 A Sexual abuse, physical abuse, drug  
3 dealing.

4 Q Were you instructed by the F.B.I. not to  
5 provide that same information to the Sheriff's  
6 Department?

7 A Never.

8 Q So Ms. Robinson didn't tell you, "Report  
9 to us, but don't report to the Sheriff's  
10 Investigation Division"?

11 A Correct.

12 Q Did she ever tell you that you should  
13 report this information to the Sheriff's  
14 Investigation Division?

15 A Yes.

16 Q She did tell you that?

17 A Yes.

18 Q What did she say?

19 A That was along with the admonitions that  
20 tell you not to disclose to this person, and it  
21 was, of course, you can report to SID or, you  
22 know, things that you need to report, you can  
23 report.

24 Q Is that how it was communicated to you:

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1 of course you can report things to SID, of course  
2 you can report things you need to report --

3 A I don't --

4 Q -- what was --

5 A My understanding is all I can tell you.  
6 My understanding is that I could report things to  
7 SID that I needed to report, not all the  
8 information that I gathered would be something I  
9 would report to SID.

10 Q Certainly there were things that you  
11 were required to report to the institution, the  
12 site, where you were working?

13 A Yes.

14 Q And those were requirements by your  
15 employment with Correctional Medical Services,  
16 correct?

17 A Yes.

18 Q And those were also required of you by  
19 virtue of you working inside a correctional  
20 facility, correct?

21 A Yes.

22 Q You were required to report to the  
23 Department unusual events, correct?

24 A Correct.

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1 Q You were required to report to the  
2 Department instances in which you felt that an  
3 inmate had been physically abused, correct?

4 A Correct.

5 Q You were required to report to the  
6 Department instances in which you felt that an  
7 inmate had been sexually abused, correct?

8 A Correct.

9 Q And you knew that for the ten years or  
10 so that you worked at the Suffolk County House of  
11 Correction, correct?

12 A I knew that.

13 Q In fact, you received training, you  
14 indicated earlier, on report writing, correct?

15 A Yes.

16 Q That report writing training was  
17 conducted by the Suffolk County Sheriff's  
18 Department, right?

19 A Yes.

20 Q And you were instructed on what  
21 information to contain within a report?

22 A Yes.

23 Q You were instructed on when you needed  
24 to report?

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1 A Yes.

2 Q What was that instruction on when you  
3 needed to report?

4 A When I had -- when I personally had  
5 reason to believe, either through seeing or a  
6 report, that there was abuse of some variety going  
7 on or that there was an issue.

8 Q So if you were a percipient witness and  
9 had firsthand information about abuse, you were  
10 required to report?

11 A Yes.

12 Q And if an inmate informed you they had  
13 been abused, you would be required to report?

14 A Yes.

15 Q And if you were informed by someone else  
16 that an inmate had made allegations, you would be  
17 required to report, correct?

18 A No.

19 Q So if it came to you from someone else,  
20 you're not required to report?

21 A No, because I have no idea what --  
22 whether that's the inmate's allegation or not.

23 Q So the F.B.I. didn't instruct you not to  
24 comply with the requirements of your obligations

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1 as a nurse practitioner at the Suffolk County  
2 House of Correction or your obligations as a nurse  
3 practitioner employed by Correctional Medical  
4 Services, correct?

5 A Correct.

6 Q Did you notify Correctional Medical  
7 Services that the F.B.I. wanted you to provide  
8 information to them?

9 A Yes.

10 Q Whom did you report that to?

11 A I believe that the day I went in that we  
12 had an interim health service administrator, I  
13 think that it was Eileen Mageary, who at the time  
14 was working for -- I'm sorry, did you say CMS  
15 or did you say --

16 Q I said CMS, but I should have said CHS.

17 A CHS --

18 Q Pardon me.

19 A -- yes.

20 I went in and spoke with the acting  
21 health service administrator, and I believe it was  
22 Eileen Mageary, but I'm not positive of the time  
23 frame there. And I do remember that the regional  
24 manager happened to be there at the facility that

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1 Q Why was it taken off? 150  
2 A It was only supposed to be on a  
3 specified time; the battery would have run out.  
4 Q Who told you that?  
5 A Krista.  
6 Q What else did she tell you about the  
7 wire?  
8 A How to put it on; how to take it off.  
9 Q In 2000 how many times did you provide  
10 information to the F.B.I.?  
11 A 40 or 50.  
12 Q To whom in the F.B.I.?  
13 A Maureen or Krista.  
14 Q How?  
15 A Telephone or face to face.  
16 Q What information was communicated?  
17 A Information about suspected sexual  
18 abuse, physical abuse, or drug use.  
19 Q Each time that you communicated this  
20 information to Maureen Robinson and Krista Snyder,  
21 did you also communicate the information to the  
22 Suffolk County Sheriff's Department?  
23 A Sometimes, yes; sometimes, no.  
24 Q What times did you not?

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1           A     Hearsay information that I had only a --  
2     a report but no real knowledge or no belief one  
3     way or the other, just no way to determine. I  
4     heard a lot of things, and I reported what I heard  
5     and let other people figure it out. If it was  
6     something that I knew, something that the inmate  
7     told me about himself, it was reported within the  
8     House of Correction.

9           Q     Was that your criteria in terms of when  
10    you reported things to SID; if it was hearsay  
11    information, you didn't; if it was information  
12    communicated to you directly from an inmate, then  
13    you did?

14          A     Hearsay about another inmate, I probably  
15    would not. An inmate telling me himself that he  
16    had been abused, yes.

17          Q     You would report that to SID?

18          A     Yes.

19          Q     And you did?

20          A     Yes.

21          Q     Over the course of the nine years that  
22    you were working at the House of Correction, you  
23    did that how often?

24          A     A lot. Probably three or four times a

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1 A 15, maybe. I don't know. Maybe more.

2 Q You spoke to Steve Jacobs regularly?

3 A Yes.

4 Q You spoke to Paul DeFazio?

5 A Yes.

6 Q what other names?

7 A Brenda.

8 Q Brenda Garcia?

9 A Yeah. Another Steve. Let's see. I can  
10 tell you what they look like, but I don't remember  
11 their names. I'm sorry. There are some that I  
12 know better than others.

13 Q You understood that it was their  
14 responsibility to investigate allegations of  
15 officer misconduct?

16 A Yes.

17 Q And that in so doing they would  
18 oftentimes require the assistance of and  
19 cooperation of medical personnel?

20 A Yes.

21 Q In 2001 do you recall how many times you  
22 provided information to the F.B.I.?

23 A About the same the entire time.

24 Q What do you mean about the same the

1 entire time?

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2 A Probably 40 or 50 times a year all four  
3 years. Sometimes the same information with more  
4 information concerning the same incident,  
5 sometimes different things.

6 Q Do you recall specific incidents or  
7 specific illegal activities that you provided  
8 information on?

9 A Yes.

10 Q What are those?

11 A I really can't answer that.

12 Q But the categories, not --

13 A The categories?

14 Q The types of incidents.

15 A Sure. The same categories, physical  
16 abuse of an inmate, sexual abuse of an inmate, and  
17 possible drug dealing or drug use/abuse.

18 Q Was the drug use/abuse, did that involve  
19 officers as well?

20 A It could.

21 Q Did it?

22 A Yes.

23 Q The physical abuse allegations, that  
24 involved allegations of misconduct of officers on